

SABRINA P. SHROFF
ATTORNEY AT LAW

80 BROAD STREET, 19TH FLOOR
NEW YORK, NEW YORK 10004
TEL: (646) 763-1490

October 2, 2023

Hon. P. Kevin Castel
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Juan Orlando Hernandez, 15 Cr. 379 (PKC)
(Minute Entry # 618 ordering defense disclosure of supplemental CIPA § 5 notice to the prosecutors on the trial team)

Dear Judge Castel,

Juan Orlando Hernandez, through his cleared counsel, requests the following relief. His request flows from the Court's Order September 28, 2023 Order. *See* Docket Entry # 618.¹

Trial in this matter is set for February 5, 2024. On September 28, 2023, the Court denied Mr. Hernandez's request to more timely provide to the trial prosecutors in this case, his supplemental CIPA § 5 notice. Instead, the Court ordered that he do so "forthwith" and prior to the government response to his May 2019 motion to compel discovery filed as Docket Entry # 559. The government has not provided a timeline for its response to the outstanding motion.

I write to the Court to request that the Court hold in abeyance its September 28, 2023, Order until after the prosecutors have responded to Mr. Hernandez's *May 2019* motion to compel discovery. The prosecutor's response to the discovery motion, will inform Mr. Hernandez's trial strategy. A short delay, given the February 5, 2024 trial date will not prejudice the government. It will allow Mr. Hernandez to determine trial strategy. In the alternative, we ask the court to allow Mr. Hernandez to make his supplemental disclosure to a team of prosecutors walled off from the trial team.

I thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/Sabrina P. Shroff
Counsel for Juan Orlando Hernandez

*The applications
are DENIED.
SO ORDERED
[Signature]
USDJ
10-3-23
(ECF 619 & 620)*

¹ The Court issued its order on Thursday, September 28, 2023. I did not succeed in making it to MDC on Friday, September 29, 2023, to discuss the ruling with Mr. Hernandez. <https://www.nytimes.com/2023/09/29/nyregion/nyc-flood-mta-subway.html> I was able to have a legal visit with Mr. Hernandez on October 1, 2023. This letter follows.